

Message

From: McGill, Thomas [McGill.Thomas@epa.gov]
Sent: 5/2/2019 1:49:02 PM
To: Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]
CC: Calli, Rosemary [Calli.Rosemary@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]
Subject: FW: FL assumption: Corps edits to Draft FDEP-Corps MOA

Jeaneanne – We still haven't heard anything from HQ regarding the outcome of the discussion that was to happen between Lee Forsgren and Ryan Fisher of the Corps (referenced in David Fotouhi's 3/20/19 email below) regarding proposed edits by the Corps to ESA-related sections of the Corps-FDEP MOA. The EPA assumption team has a call next week with FDEP and the Corps to discuss questions about enforcement aspects of the MOA and their draft retained waters list, and we were not planning to raise any issues about the ESA-related sections. But it would be helpful to know how HQ wishes to proceed regarding those issues. We'll talk more during our 10:00 meeting today. Tom

From: Kupchan, Simma
Sent: Thursday, March 21, 2019 10:27 AM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Allenbach, Becky <Allenbach.Beky@epa.gov>; Zapata, Cesar <Zapata.Cesar@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>
Subject: FW: FL assumption: Corps edits to Draft FDEP-Corps MOA

FYI – will keep you updated. Please don't circulate.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Wednesday, March 20, 2019 9:53 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: FL assumption: Corps edits to Draft FDEP-Corps MOA

Thank you for sharing this. I've raised this with Dave and Lee, and I believe Lee plans to contact Ryan Fisher to discuss. I think next steps will depend on the outcome of that conversation. I'll keep you updated; thanks!

David Fotouhi

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From: Kupchan, Simma
Sent: Tuesday, March 19, 2019 4:49 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: FW: FL assumption: Corps edits to Draft FDEP-Corps MOA

David,

Please see below and attached. The Corps has provided edits to the Corps/Florida MOA related to Florida's assumption of the 404 program. We have all reviewed these edits, and R4 staff have provided the feedback below to their management. Please let me know if there is anything you would like us to do on this end.

Thanks,

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: McGill, Thomas
Sent: Tuesday, March 19, 2019 3:31 PM
To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: FL assumption: Corps edits to Draft FDEP-Corps MOA

You'll recall that in early November EPA shared our suggested revisions to the draft FDEP-Corps Assumption MOA with both FDEP and the Corps. The Corps made edits/comments to our version and shared those with FDEP, which FDEP then shared with us on Thursday, March 14 (see attachment). The EPA assumption team has reviewed the attachment and noted two particular edits of interest below. The team is happy to provide any additional input and recommendations regarding the COE edits if requested. Please let us know how we can assist with next steps.

Edits of Interest:

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- **Ex. 5 Deliberative Process (DP)**